

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent application

of _____

Inventor(s)

for _____

Title of invention

OR

In re application of: Lyle V. Lehman

Application No. 10 / 739,431 Group Art Unit:
 Filed: 12/18/2003 Examiner:
 For: Modular Hydrojetting Tool

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 WITHIN THREE MONTHS OF FILING OR
 BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

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* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [B-3]—page 1 of 3)

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

WARNING: *No extension of time can be had under 37 C.F.R. § 1.138 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

NOTE: *The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).*

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

NOTE: *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.*

NOTE: *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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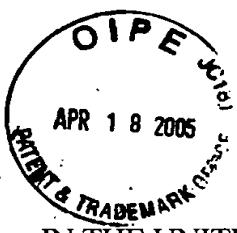

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 3 of 3)



PATENT 2003-IP-009560U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lyle V. Lehman)
Serial No.: 10/739,431) Art Unit: Unknown
Filed: 12/18/2003) Examiner: Unknown
For: Modular Hydrojetting Tool)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicant or Applicant's attorneys and are submitted for the Examiner to consider in the above-captioned application.

Each item of information contained in this supplemental information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the information disclosure statement.

U. S. PATENTS

U.S. Patent Number 3,066,735 issued 12/04/1962 by W. M. Zingg;

U.S. Patent Number 6,006,838 issued 12/28/1999 by T. G. Whiteley, et al.;

U.S. Patent Number 4,893,678 issued 01/16/1990 by Charles O. Stokley, et al.;

U.S. Patent Number 3,193,012 issued 07/06/1965 by J. L. Huitt, et al;

U.S. Patent Number 6,065,541 issued 05/23/2000 by Anthony Allen; and

U.S. Patent Number 3,912,173 issued 10/14/1975 by Donald F. Robichaux.

FOREIGN PATENTS

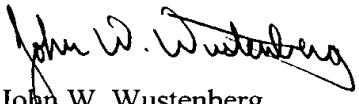
European Patent Application No. EP 0 851 094 B1 published on 9/25/02 by Jim B. Surjaatmadja.

OTHER MATERIALS

Foreign communication from a related counterpart application filed on September 11, 2004.

Copies of the aforementioned non-patent references and Form PTO-1449 are submitted herewith.

Respectfully submitted,


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PTO-1449 Information Disclosure Citation in an Application for a TRADEMARK	APR 18 2005	Application No. 10/739,431	Applicant(s): LYLE V. LEHMAN
		Docket Number HES 2003-IP-009560U1	Group Art Unit Filing Date December 18, 2003

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
8.	Foreign Search Report and Opinion (PCT Appl. No. GB2004/004726)	09/11/2004

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.